

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

| | |
|----------------------------|------------------------------------|
| Date of Incident: | February 10, 2017 |
| Time of Incident: | 5:54 pm |
| Location of Incident: | XXXX N. Western Avenue, Chicago IL |
| Date of COPA Notification: | February 10, 2017 |
| Time of COPA Notification: | 6:09 pm |

On February 10 2017, Officer A, #XXXXXX, and Officer B, #XXX, working Beat XXXX, responded to a CVS located on XXXX N. Western Avenue after employees called 911 to report a female, who has now been identified as Subject 1, was threatening them with a knife.

Officers A and B approached Subject 1 and observed that she was holding a knife in her hand as she sat on the bench. The officers instructed her to drop the knife. Subject 1 stood up and brandished the knife towards the officers. The officers gave her continuous verbal commands to drop the knife. Officer A deployed his taser at Subject 1, which did not appear to affect her.

Subject 1 walked eastbound into the intersection of XXXXX and Western Avenues and stated that she was going to “get on that bus,” as there was a CTA bus traveling northbound on Western Avenue. At about the middle of the intersection, Subject 1 turned back around towards the officers and charged at them with the knife in her hand. Each officer fired their weapon one time. Subject 1 was struck in her abdomen and subsequently fell forward. Officer A then stepped forward and kicked a silver kitchen knife out of Subject 1’s hand.

COPA’s ensuing investigation shows that the involved officers acted in accordance with the Chicago Police Departments Use of Force Guidelines and General Order; this shooting was therefore found to be **Within Policy**.

II. INVOLVED PARTIES

| | |
|----------------------|--|
| Involved Officer #1: | A; Star #XXXXX; Unit XXXX; White male; Employee #XXXXX; DOB: XXXXXX; DOA: XXXXXX; On-duty; Uniform dressed; Sig-Sauer; Model P226; 9mm semi-automatic pistol; Fired one (1) time |
| Involved Officer #2: | B ¹ ; Star #XXX; Unit XXXX; White female; Employee #XXXXX; DOB: XXXXXX; DOA: XXXXXX; On-duty; Uniform dressed; Sig-Sauer; Model P239; 9mm semi-automatic pistol; Fired one (1) time |
| Subject #1: | Subject 1; White female; DOB: XXXXXX |

III. ALLEGATIONS

| Officer | Allegation | Finding |
|-----------|------------|---------------|
| Officer A | N/A | Within Policy |
| Officer B | N/A | Within Policy |

IV. APPLICABLE RULES AND LAWS

¹ Since the date of incident, the officer has changed her name to Officer B.

General Orders

Chicago Police Department General Order, GO 03-02-03; Deadly Force

Federal Laws

Graham v. Connor, 490 U.S. 386, 397 (1989)

State Laws

Illinois State Statute 720 ILCS 5/7-5 (1986)

V. INVESTIGATION

a. Interviews

In an interview with IPRA on February 21, 2017, **Involved-Shooting Officer A** provided his account of the events concerning the incident. Officer A and his partner, Officer B, were on patrol at the intersection of Belmont and Sheffield when they received a call from dispatch assigning them to respond to reports of a woman in a dark jacket with a knife inside a CVS located near the intersection of Western Avenue and XXXXX. As Officer A and Officer B were in route to the location of incident, dispatch informed them that the woman was no longer in the store. When Officer A and Officer B arrived at the CVS, two females approached them. One female identified herself as a retired police officer and the other female was wearing a CVS uniform. The retired police officer told Officer A and Officer B that the individual who was threatening people with a knife inside the CVS was now sitting at the bus stop located at the corner of XXXXX. Officer A asked the retired police officer to show him where the female suspect was.

As Officer A and the retired police officer approached the bus stop, the retired police officer pointed to a woman sitting at the bus stop, and identified her as the person threatening people with a knife in the CVS. Officer A approached Subject 1 from the right, and observed that Subject 1 was holding a silver knife in her right hand. Officer A instructed Subject 1 to “drop the knife” multiple times and drew his firearm. After receiving no response from Subject 1, Officer A reholstered his firearm, unholstered his taser, and continued to instruct Subject 1 to “drop the knife.” While Officer A’s taser was pointed down toward the ground, Subject 1 stood up quickly, pointed the knife at Officer A, and told him that she would “fuckin’ kill [him].” Officer A immediately proceeded to deploy his taser and struck Subject 1 in her torso. Subject 1 did not show any effects from being tased. Subject 1 started walking eastbound on XXXXX toward the intersection and Officer A deployed his taser a second time, which was also ineffective. Subject 1 continued walking eastbound and yelled, “I’m going to kill you; I’m going to kill you.” After reaching the middle of the intersection, Subject 1 turned around and began walking back toward

Officer A with her knife extended, telling Officer A “I’ll fuckin’ kill you” and “fuckin’ kill me.” At this point, Subject 1 picked-up her pace, moving directly toward Officer A. Officer A threw his taser to the ground, drew his firearm, and backed up a few steps, all while Subject 1 was yelling “[f]uckin’ kill me, I’ll kill you.”

Officer A, fearing for his life, discharged his firearm once, striking Subject 1. After Officer A fired his weapon, Subject 1 grabbed her chest and fell to the ground. Once Subject 1 was on the ground, Officer A kicked the knife out of her hand, and made a call over the radio announcing that shots were fired by the police and that an ambulance was requested. After Subject 1 was on the ground and Officer A reholstered his firearm, Officer B informed Officer A that she had fired at Subject 1 as well. (Atts. 40, 41)

In an **interview with IPRA** on February 21, 2017, **Involved-Shooting Officer B** provided her account of the events concerning the incident. Officer B and her partner, Officer A, were on routine patrol at the intersection of Belmont and Sheffield when they received a call from dispatch assigning them to respond to reports of a woman in a dark coat threatening people with a knife inside a CVS located at XXXX North Western Avenue. As Officer B exited the vehicle upon arrival at that location, two females came out of the store and informed her and Officer A that the individual with a knife was at the bus stop located on the southwest corner of XXXXX and Western Avenue. One of the females identified herself as an off-duty police officer and the other female was wearing a CVS uniform.

Officer B and Officer A began to approach the bus stop where Subject 1 was sitting. Officer A approached Subject 1 first from the right side of Subject 1’s location, while Officer B approached from behind Subject 1. As Officer A approached Subject 1, he repeatedly stated, “drop the knife ma’am, drop the knife.” Officer B observed the knife in Subject 1’s possession and drew her firearm. While Officer A was instructing Subject 1 to drop the knife, Officer B observed Subject 1 jump up from the bench, turn toward Officer A, and start walking toward Officer A with the knife in Subject 1’s hand. Officer A continued to instruct Subject 1 to drop the knife as Subject 1 walked past him and into the street at Western Avenue and XXXXX. After Officer A deployed his taser and struck Subject 1, she continued to walk away from the officers. Once Subject 1 was halfway in the street, she turned around, lunged at Officer B, and ran toward Officer A. As Subject 1 was running toward Officer A, Officer B discharged her firearm once. Subject 1 immediately fell to the ground. Officer A kicked the knife out of Subject 1’s hand and made a call over the radio announcing shots fired. Officer B does not recall whether Subject 1 said anything while she had the knife in her hand. (Atts. 35, 36, 37)

In an **interview with IPRA** on February 11, 2017, **Civilian 1** provided an account of his observations concerning the officer-involved shooting of Subject 1 that occurred on February 10,

2017. Civilian 1 was a passenger in his mother's car, driving westbound on XXXXX, when he observed Subject 1 turn around and charge at Officer A. Civilian 1 stated that Officer A was backing up while Subject 1 was charging. Civilian 1 observed that Subject 1 had something in her hand. When Subject 1 was three to four feet away from Officer A, Civilian 1 stated that Officer A fired his gun twice at Subject 1. After Subject 1 was shot, Civilian 1 saw an officer approach Subject 1 and kick away an object that was in Subject 1's hand. (Att. 43)

In an **interview with IPRA** on February 11, 2017, **Civilian 2** provided an account of her observations concerning the officer involved shooting of Subject 1 that occurred on February 10, 2017. Civilian 2 was in her vehicle traveling westbound on XXXXX and preparing to turn southbound on Western Avenue, when she observed Subject 1 running toward Officer A and saw him shouting. She then heard gunfire and saw the flash out of a gun. At the time of the shooting, Civilian 2 did not know one of the individuals was a police officer because she did not see a police vehicle in the area. After the shooting, Civilian 2 stated that she saw Subject 1 fall to the ground. Civilian 2 stated that after Subject 1 fell to the ground, Officer B ran toward Subject 1 and kicked an object away from Subject 1's hand. (Att. 44)

In an **interview with IPRA** on February 10, 2017, **Civilian 3** provided an account of her interactions with Subject 1 on the date of incident. Civilian 3 is an employee at the CVS location that Subject 1 entered before the officer-involved shooting occurred. Civilian 3 was restocking the family care area in the store when she began to hear a woman yelling and cursing at one of Civilian 3's colleagues, Civilian 4. As Civilian 3 approached Subject 1, who was the woman yelling in the store, she pulled a knife, held it close to Civilian 3's face, and shouted, "bitch I will cut you." Subject 1 then walked perpendicular to the aisles and started knocking items off the store shelves.

As Subject 1 was walking toward the exit of the store, she continued to threaten other CVS employees, and tried to stab a CVS customer who was entering the store. When the police arrived, Civilian 3 stated that other individuals who observed Subject 1's threats informed the police that she was sitting at the bus stop bench located outside of the CVS. As police approached Subject 1, sitting on the bench, Civilian 3 stated that the police saw the knife in the Subject 1's hand and began yelling at her to drop the knife. Both officers then deployed their tasers when Subject 1 started walking away from the officers and into the street.² Civilian 3 stated that the woman refused the officers' instructions, turned in a direction facing the officers, and continued to swing the knife at them. When Subject 1 approached the officers and was approximately three feet away, one of the officers discharged his or her weapon. (Att. 45)

² Although Civilian 3 stated that both officers deployed their tasers, the other evidence analyzed by IPRA indicates that only Officer A deployed his taser. Civilian 3's apparent misperception or flawed recollection on this point is not deemed material and does not alter the analysis or conclusions in this report.

In an **interview with IPRA** on February 10, 2017, **Civilian 5** provided an account of his observations concerning the officer-involved shooting of Subject 1. Civilian 5 was driving southbound on Western Avenue and preparing to make an eastbound turn on XXXXX when he observed Officer A backing away across the northbound and southbound lanes of Western Avenue. Civilian 5 saw the taser being dragged by Subject 1, who was continuing to approach Officer A. Officer A was repeatedly yelling at the woman to stop moving toward him. As Officer A reached the southwest curb at the intersection of Western Avenue and XXXXX, Civilian 5 observed the officer fire his weapon at Subject 1. Civilian 5 works as a Funeral Director and his automobile is equipped with lights and sirens. After the officer-involved shooting, Civilian 5 activated his lights and sirens and began to redirect traffic away from the police officers. (Att. 47)

In an **interview with IPRA** on February 10, 2017, **Civilian 6** provided an account of her interactions with Subject 1 on the date of incident. Civilian 6 is a retired Chicago Police officer. Civilian 6 was in the pharmacy at the CVS picking up a prescription, when Subject 1 approached the pharmacist and stated that she had an appointment. Within a few minutes, Subject 1 started yelling and cursing at Civilian 6. The pharmacist told Subject 1 that she needed to leave the store, and proceeded to call the police. Subject 1 refused to leave the pharmacy area, took out a knife, and began to slash at the chair in the area. Subject 1 then knocked items off the store shelves as she walked toward the front of the store. Civilian 6 yelled to employees in the front of the store that Subject 1 had a knife in her possession.

After Subject 1 left the area, Civilian 6 stayed in the pharmacy section with the pharmacist. Civilian 6 was informed that Subject 1 was sitting on the bench near the bus stop outside of the CVS. Civilian 6 conveyed that information to the responding officers when they arrived. The officers then moved toward Subject 1 and repeatedly instructed her to drop the knife. Subject 1 stood up and began to walk east from the bench into the street. Subject 1 continued to wave the knife around at the officers, and was subsequently tased by the officers. After being tased, which did not appear to have any effect on her, Subject 1 was shot, fell to the ground, and moaned. Civilian 6 did not see either officer fire his or her weapon. From her experience as a former police officer, Civilian 6 stated that she did not think there was anything further the officers could have done to stop Subject 1 from being in possession of the knife and threatening them. (Att. 51)

In an **interview with IPRA** on February 10, 2017, **Civilian 7** provided an account of his observations concerning the officer-involved shooting of Subject 1. Civilian 7 was standing outside of the BP gas station on the southeast corner of XXXXX and Western Avenue when he observed employees at the CVS directing police officers in a particular direction. He then observed the police officers walk toward the corner of XXXXX and Western Avenue and approach Subject 1 on the corner. The officers were instructing the woman to "drop the knife" repeatedly. Civilian 7 then observed Subject 1 turn around and first lunge toward Officer B with a knife, and then

subsequently toward Officer A. Civilian 7 observed Officer A discharge his firearm. Civilian 7 stated that Officer A told the woman, "you should have dropped the knife." (Att. 46)

In an **interview with IPRA** on February 10, 2017, **Civilian 8** provided an account of her observations concerning the officer-involved shooting of Subject 1. Civilian 8 was driving westbound on XXXXX and preparing to turn south on Western Avenue, when she observed Officer A, Officer B, and Subject 1 at the corner of XXXXX and Western Avenue. Both officers had their guns drawn and pointed at Subject 1. One officer was positioned in front of Subject 1 and another officer was positioned behind her. Civilian 8 subsequently heard gunshots and thereafter saw Subject 1 on the ground. (Att. 49)

In an **interview with IPRA** on February 10, 2017, **Civilian 9** provided an account of her interactions with Subject 1 on the date of incident. Civilian 9 is an employee at the CVS location that Subject 1 entered before the officer-involved shooting occurred. Civilian 9 was operating the register near the entrance of the store, when Subject 1 entered the premises and walked toward the back of the store. Shortly after Subject 1 entered the premises, Civilian 9 heard yelling and swearing in the back of the store, she then observed a female customer state that she was going to call the police, and heard the sounds of objects falling on the ground. Civilian 9 blocked the entrance to the door with shopping carts. Subject 1 then approached the front of the store and pulled out a knife. Civilian 9 grabbed Subject 1's arm and held it away from her in self-defense. Subject 1 then pushed the shopping carts blocking the entrance out of the way and left the store. After Subject 1 left the store, a customer informed Civilian 9 that Subject 1 was sitting at the bus stop bench outside of the store. Civilian 9 did not leave the store at that time, but heard two gunshots from outside. (Att. 48)

In an **interview with IPRA** on February 10, 2017, **Civilian 4** provided an account of her interactions with Subject 1 on the date of incident. Civilian 4 is a pharmacist at the CVS location that Subject 1 entered before the officer-involved shooting occurred. Civilian 4 was conducting a transaction with a customer in the pharmacy section of the store when Subject 1 approached Civilian 4 and told her that she had an appointment with Civilian 4. Subject 1 then walked away from the pharmacy, returned shortly thereafter, sat in a chair near the pharmacy section, and began eating from a can of nuts. After sitting, Subject 1 started yelling and swearing at the customer Civilian 4 was assisting. Civilian 4 asked Subject 1 to leave, and told Subject 1 that she would call the police. When Subject 1 refused to leave, Civilian 4 called the police. Subject 1 then threw the can of nuts at Civilian 4, drew a knife, and began slashing at a chair near the one in which she was previously sitting. As Subject 1 left the pharmacy area, she began to knock items off the shelves. After Subject 1 left the pharmacy area, Civilian 4 walked to the front of the store to determine whether Subject 1 had left the premises. Civilian 4 returned to the pharmacy section after learning that Subject 1 was no longer in the store. (Att. 50)

In an **interview with IPRA** on February 10, 2017, **Civilian 10** provided an account of her interactions with Subject 1 on the date of incident. Civilian 10 is a pharmacy intern at the CVS location that Subject 1 entered before the officer-involved shooting occurred. Civilian 10 was filling a prescription when Subject 1 approached the pharmacist who was assisting a customer at the time and stated that she had an appointment. Subject 1 then walked away from the pharmacy area, subsequently returned to the pharmacy area, and sat down in a chair near the pharmacy counter. Civilian 10 heard a noise and observed the pharmacist ask Subject 1 to leave. When Subject 1 refused, the pharmacist called the police. Subject 1 then threw a can of nuts at the pharmacist, slashed a chair with her knife, and began to walk toward the front of the store, knocking items off the shelves. Civilian 10 did not observe the officer-involved shooting that occurred outside of the store. (Att. 52)

In an **interview with IPRA** on May 17, 2017, **Civilian 11** provided an account of her interactions with Subject 1 on the date of incident. Civilian 11 is employed at the Kentucky Fried Chicken Restaurant located at XXXX XXXXX. At approximately 4:30 p.m. on February 10, 2017, Civilian 11 observed one of her team members being assaulted by Subject 1 in the vestibule of the restaurant. Civilian 11 shouted at Subject 1, who then turned toward Civilian 11 and started swinging a knife at Civilian 11. Civilian 11 stated that Subject 1 was threatening Civilian 11 and other employees with the knife and yelling “all of you niggers must die” repeatedly. Civilian 11 described the knife in Subject 1’s possession as having a silver blade. Subject 1 left the store and crossed the street when one of the individuals being threatened by Subject 1 emerged with a black pipe. Employees at the Kentucky Fried Chicken Restaurant called the police, but Subject 1 had left the premises by the time the police arrived. (Att. 76)

b. Digital Evidence

The **Office of Emergency Management (OEMC) Event Queries** and Police Radio Transmissions were collected and made part of the case file. The following is a summary of the relevant audio recordings. A number of civilians made calls to Chicago’s local emergency services concerning the incident:

- On February 10, 2017 at 5:46:05 p.m., a civilian named XXXXX reported “a customer in the back, swearing and making a scene” in the CVS located at XXXX North Western Avenue. XXXXX further stated that the customer was in possession of a knife. (Att. 14)
- On February 10, 2017 at 5:47:16 p.m. a civilian reported that “a lady with a knife” was pulling a knife at people working at the CVS on XXXXXXX and Western Avenue. (Att. 15)
- On February 10, 2017 at 5:54:27 p.m. a civilian named XXXX driving by Western Avenue and XXXXXXX reported a woman “sitting at the bus stop, screaming up into the air . . . and holding a knife.” (Atts. 9, 16)

- On February 10, 2017 at 5:54:41 p.m. a civilian reported a police-involved shooting at XXXXXX and Western. The civilian stated that the individual who was shot had a knife in their hand. (Att. 17)

Videos from the CVS located at XXXX North Western Avenue depict Subject 1's actions while inside the store. (Att. 56)

Video from the BP Gas Station does not capture the incident. (Att. 55)

Video from the Mobil Gas Station captured the incident involving Subject 1 and Officers A and B. See video for details. (Att. 54)

Chicago Transit Authority Videos partially captured the after-events of the incident. (Att. 57)

c. Physical Evidence

Illinois State Police (ISP) Forensic Science Laboratory Reports dated March 10, 2017 document that Officer A's and Officer B's firearms were operable as received and test fired. (Att. 64)

Evidence Technician Photographs depict the scene and recovered evidence. Photographs of the scene show the interior and exterior of the CVS store at XXXX North Western Avenue, the knife that was in Subject 1's possession, expended cartridge casings from Officer A's and Officer B's weapons, and the Mobil gas station located across the street from the location of incident. (Att. 70)

According to the **Inventory Sheets**, several articles of Subject 1's clothing; a fingerprint cards; blood cards; recovered bullets and expended cartridge casings were inventoried. Also inventoried were the involved officers' firearms, magazines, and ammunition. In addition, the chair that was damaged inside of the CVS, the can of peanuts and the "Sabatier" stainless steel knife that was located on the outside pavement near the curb were also photographed, collected, and inventoried. (Att. 26)

d. Documentary Evidence

A **Chicago Fire Department Ambulance Report** documents that an ambulance was dispatched at approximately 17:55:17 on February 10, 2017 and arrived on scene at approximately 17:57:59. Upon Ambulance XX's arrival, the emergency crew found Subject 1 laying on her right side, in the middle of the street. She was unresponsive and not breathing. The crew found one

gunshot wound to Subject 1's abdomen, with no exit wound identified. For EMS and patient safety, Subject 1 was placed on a stretcher and moved to the ambulance. EMS observed that Subject 1 was wearing multiple layers of clothing. EMS found one (1) gunshot wound (GSW) to her abdomen. No exit wound was located. Subject 1 was unresponsive, no spontaneous respirations were noted. Subject 1 was monitored en route to the hospital without a significant change in condition. EMS arrived at the hospital, Subject 1 was asystole. Patient care was released to staff at Illinois Masonic Medical Center emergency room. (Att. 27)

Medical Records obtained from **Advocate Illinois Masonic Hospital** document that Subject 1 arrived at the emergency department via ambulance. Subject 1 presented with a gunshot wound to her abdomen. After medical care was provided by hospital staff, Subject 1 was pronounced dead at 1830 hours. (Att. 80)

IPRA obtained the **Cook County Medical Examiner's Post-Mortem Report** from the post-mortem examination of Subject 1's body, conducted on February 11, 2017. One gunshot wound to the abdomen was noted. A copper-colored, jacketed projectile with a gray metal core was recovered within the soft tissues of the left posterior torso. The direction of the wound track was front to back, downward, and right to left. The Medical Examiner concluded that based on the examination of the skin around the entrance wound, there was no evidence of close-range firing. The Medical Examiner also noted that Subject 1 had abrasions on the right knee and right side of the chest. Subject 1's cause of death was attributed to a gunshot wound to the abdomen. Manner of death was noted as Homicide. (Att. 73)

A Tactical Response Report (TRR) completed by **Officer A** documents that Subject 1 did not follow verbal direction, presented an imminent threat of battery, and attacked with a weapon likely to cause deadly force. Officer A responded by deploying his taser two (2) times, and then discharged his firearm. Officer A discharged his firearm one (1) time. (Att. 21)³

The Officer's Battery Report (OBR) completed by **Officer A** documents that Subject 1 attempted to stab Officer A. (Att. 22)

A Tactical Response Report (TRR) completed by **Officer B** documents that Subject 1 did not follow verbal direction and presented an imminent threat of battery. Officer B responded by discharging her firearm one (1) time. (Att. 24)⁴

³ In his interview with IPRA on February 21, 2017, Officer A noted two changes that needed to be made to his TRR. With respect to number 73, only the subject was struck as a result of the discharge of the member's weapon. With respect to number 45, the only box that should be selected is "no." With respect to number 37, there was no box to indicate that Subject 1's condition was deceased.

⁴ In her interview with IPRA on February 21, 2017, Officer B noted that three areas of the TRR were auto-populated and not completed by Officer B. With respect to number 73, the box should be marked "unknown." With respect to number 45, the only box that should be selected is "no." With respect to number 37 of the TRR, Officer B was not sure of Subject 1's condition at the hospital.

The Officer's Battery Report (OBR) completed by Officer B documents that Subject 1 attempted to stab Officer B. (Att. 25)

Officer A's Taser Deployment Data Sheet documents that Officer A deployed Cartridge 1 on February 10, 2017 at 17:54:02, for a total of five (5) seconds. Officer A deployed Cartridge 2 on February 10, 2017 at 17:54:07, for a total of five (5) seconds. (Att. 23)

VI. ANALYSIS

CPD Policy, Illinois State Statute, & Constitutional Standards

A Chicago Police Officer is permitted to use deadly force based on: Chicago Police Department's Policy regarding the use of deadly force, Illinois State Statute, and applicable standards within the United States Constitution.

CPD's Policy regarding the use of deadly force as identified in General Order 03-02-03, which was in effect on November 27, 2016, states that a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. To prevent death or great bodily harm to the sworn member or to another person, or;
2. To prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

The legal standard in Illinois regarding the use of deadly force is identified in Illinois State Statute 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

...a peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...

Lastly, determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their

underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); *see Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (*citing Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation 'must embody allowance for the fact that police officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.' *Graham*, 490 U.S. at 396-97. Consequently, "when an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force." *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (*quoting Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (*en banc*) (omitting emphasis)).

Officer A's and Officer B's Use of Deadly Force

There is a preponderance of evidence showing that Officer A and Officer B reasonably believed that deadly force was necessary to prevent Subject 1 from causing death or great bodily harm to Officer A, Officer B, or others. Before arriving at the scene, Officer A and Officer B were informed by dispatch that there was a woman threatening people with a knife. Upon arrival, Officer A and Officer B observed Subject 1 with a knife still in her possession. Subject 1 failed to comply with Officer A's repeated commands to drop the knife, threatened to kill Officer A multiple times, and subsequently ran toward Officer A while both lunging and swinging her knife at both him and Officer B. Those actions form a reasonable basis to conclude that Subject 1 posed a threat of death or bodily harm to the responding officers or others in the area. Accordingly, Officer A's and Officer B's use of force was reasonable, and therefore, Within Department Policy.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

| Allegation | Finding |
|---|--------------------------------------|
| Officer A No allegations of Misconduct | Use of Deadly Force Within Policy |
| Officer B No allegations of Misconduct | Use of Deadly Force Within Policy |

Approved:

XXXXXX

Deputy Chief Administrator 1

Date

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|-----|
| Squad#: | X |
| Major Case Specialist: | MCS |
| Supervising Investigator: | S/I |
| Deputy Chief Administrator: | D/C |